

FEB 28 2005

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FROM: Allen J. Moss

DIRECT DIAL No.: (602) 528-4839

E-MAIL: amoss@ssd.com

RE: U.S. Utility Patent Application No. 10/719,974

Filing Date: November 20, 2003

Inventor(s): Joel Keith Parkinson and Wayne Keith Parkinson

Title: ELASTOMER KEYPAD AND BEZEL

Our Ref.: 56334.00011

Message:

Please see the attached correspondence.

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CERTIFICATE OF TRANSMISSION PURSUANT TO 37 C.F.R. §§ 1.8 and 1.6(d)

I, Lisa Mansur, hereby certify that this correspondence, pursuant to 37 C.F.R. §§ 1.8 and 1.6(d), is being transmitted by facsimile to the United States Patent and Trademark Office, Fax No. (571) 273-1990, and (703) 872-9306, on:

Date: February 28, 2005By Lisa MansurIN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

Applicants:	Parkinson et al.	Docket No.:	56334.00011
Application No.:	10/719,974	Group Art Unit:	2832
Filing Date:	November 20, 2003	Examiner:	James R. Scott
Title:	ELASTOMER KEYPAD AND BEZEL		

**REQUEST FOR WITHDRAWAL OF RCE AND
REFUND OF FEES THEREFOR**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

On February 25, 2005, applicants' counsel filed an amendment ("Amendment") in response to the Office action dated August 25, 2004 ("Office action"). The Amendment was fully responsive to the Office action and timely filed, including a petition and fee to extend the time for response three months to February 25, 2005. Filed with the Amendment was a Request for Continued Examination ("RCE").

On February 28, 2005, applicants' counsel discovered that the RCE was improperly filed, because applicants' counsel erroneously thought the Office action was final. Since the Office action was not final, the conditions for filing the RCE pursuant to 37 C.F.R. 1.114 were not satisfied, namely, prosecution of the application was not closed.

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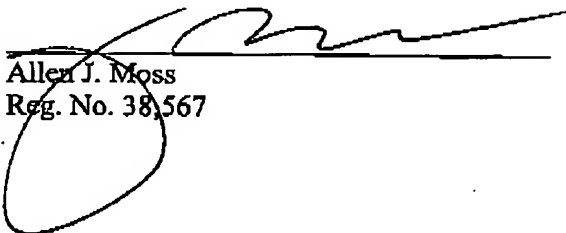
In this case, when an RCE is filed for an application in which prosecution is not closed, the applicant should be notified of the improper RCE and the Amendment should be entered. See MPEP 706.07(h)III(A). Thereafter, the application is to be forwarded to the Examiner for consideration of the Amendment. Id. Applicants' counsel this morning called the Examiner's Supervisory Patent Examiner ("SPE"), Elvin Enad, to confirm the same and that the application would not be abandoned. SPE Elvin Enad so confirmed.

Applicants' counsel therefore respectfully confirms (1) the application shall not be abandoned, and the Examiner shall consider the Amendment; and requests the U.S. Patent & Trademark Office to (2) withdraw the RCE and (3) not charge Deposit Account No. 19-3878 for the RCE (representing \$395 of the total \$905 originally authorized for charge in the response to the Office action), or if Deposit Account No. 19-3878 is charged the full \$905, refund to Deposit Account No. 19-3878 \$395 for the RCE.

The Examiner is invited to telephone the undersigned at the telephone number listed below if it would in any way advance prosecution of this case.

Respectfully submitted,

Date: February 28, 2005


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Reg. No. 38,567

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